



District of Columbia Housing Authority

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David Gilmore, Receiver

Honorable Linda W. Cropp
Chairman
Council of the District of Columbia
441 4th Street, NW
Washington, DC 20001

Dear Chairman Cropp:

Thank you for agreeing to introduce and sponsor the District of Columbia Housing Authority Act of 1999 to the Council of the District of Columbia (Council) on behalf of the District of Columbia Housing Authority (DCHA or Housing Authority). The proposed legislation is designed to enhance, strengthen and solidify DC Law 10-243, the District of Columbia Housing Authority Act of 1994, effective March 21, 1995 (D.C. Code sec. 5-121 et seq.), (1994 Housing Act) so as to insure that under post-receivership, the Housing Authority will remain a financially and operationally sound independent entity of the Government of the District of Columbia.

Though it is essential that a public housing authority maintain a close, cooperative and supportive working relationship with the administration of the governing body in which it exists, it is well established nationally that a public housing authority, which is governed independently within the overall local governmental structure, performs far better than one which functions as a line department of city government. This fact was recognized and acted upon in the District of Columbia when the Council enacted the 1994 Housing Act. Indeed autonomous governance was recommended as long ago as 1987 by the Mayor's Blue Ribbon Commission on Public Housing. The need for independence was also a consistent theme in the recommendation of the Court-Appointed Master in Pearson v. Kelly et al, 92-CA-14030 (Super. Ct., May 18, 1995) and in the subsequent placement of DCHA under court-ordered Receivership.

Adoption of the independent housing authority legislation and placement of DCHA under Receivership have allowed the Housing Authority to manage itself without having to compete for administrative resources with many other agencies within the government bureaucracy. Consequently, the Housing Authority has achieved a tremendous amount of success. Indicators of our progress include raising our annual Public Housing Management Assessment Program performance score, as graded by the U.S. Department of Housing and Urban Development (HUD), from 37.8% in 1995 to 79.25% in 1998; generating \$330.7 million in additional revenue above our normal operating budget received from HUD; decreasing both the total reported crime rate in public housing by 27% and the homicide rate by 54% between 1996 and 1998; implementing a nationally recognized model gang intervention program; and creating mixed-income communities at Valley

Green, Ellen Wilson, Montana Terrace, Capitol View, Frontiers and Scattered Site properties. In addition, DCHA has negotiated a landmark union agreement based on specific agency performance criteria that has given all employees a meaningful vested interest in the success of the Housing Authority.

It is now time to begin the process of planning for the end of the DCHA Court-Ordered Receivership and for returning the Housing Authority to local control. I anticipate the Receivership, which began in 1995, will likely be brought to a successful conclusion by mid-2000.

The 1994 Housing Act has been the foundation upon which the Housing Authority has achieved and sustained numerous accomplishments over the last four years. The continued positive future of DCHA demands the sustainability of successes like the ones that we underscored above, all of which are due in large part to the ability to operate as an independent entity within the overall structure of the District government structure. I am therefore recommending that several critical amendments and augmentations be adopted by the Council, which will strengthen the Housing Authority's existing enabling legislation.

The new bill will carry forward a number of provisions already included in the 1994 Housing Act, amplify others, and add several new important ones. Key elements of the revisions include further defining the process by which citizens of the Board of Commissioners are appointed. Specifically, the 1994 Housing Act already provides for governance of the Housing Authority by a citizen Board of Commissioners comprised of seven appointed members, two of whom must be public housing residents. The proposed legislation further defines a process for appointing members to the District of Columbia Housing Authority Board of Commissioners that is similar to the one used by the District of Columbia Judicial Nominating Commission. The new public housing bill would create a Commission to screen candidates for appointment to five of the seven appointed seats on the Board of Commissioners and recommend candidates to the Mayor for his approval. The two public housing Commissioners will be elected by other residents.

It is essential that the composition of the Nominating Commission be as diverse as possible, reflecting concerns for the various constituencies served by the DCHA and the citizenry of the District. Thus, we have recommended in the bill a list of seven organizations in the District which would each name one person to the Nominating Commission. A Citywide organization representing residents of public housing would name an eighth person to the Nominating Commission.

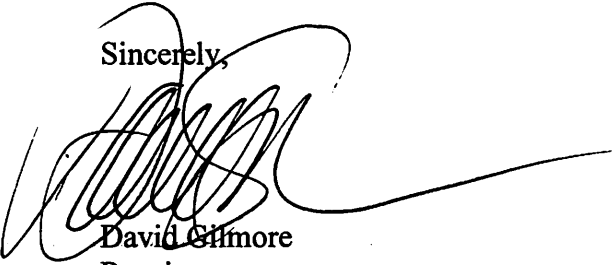
I am further recommending that DCHA be granted the same legislative powers in such important areas as eminent domain and the authority to issue bonds as is provided for in most state laws relative to housing authorities. Finally, DCHA cannot maintain its accomplishments if it does not have legislative authority to independently continue to manage its own financial, personnel, and procurement systems.

Under the Clarification of Order Extending the Receivership in Pearson v. Kelly et. al, 92-CA-14030 (Super. Ct., July 22, 1998), there must be a six-month period of transition back to local control before the Receivership is terminated. In order to maintain our schedule of returning the Housing Authority back to the city by mid-2000, I am hopeful that the Council will quickly consider the proposed legislation and complete its legislative enactment process before it recesses in July 1999. Such speedy action is required so that Board Members may be selected and appointed prior to the end of the 1999 calendar year, and thus trigger the six month transition process necessary to bring the Receivership to closure by mid-2000.

In short, DCHA has made tremendous progress in improving the quality of life, not only for public and assisted housing residents, but for all residents of the District of Columbia. To that end, your sponsorship of the proposed legislation is greatly appreciated and represents a commitment to completely fulfilling the vision of providing safe, affordable, and decent housing in the Nation's Capitol, while promoting self-sufficiency and economic independence. For your convenience, we have enclosed a draft letter of introduction, the prepared bill in hard copy and diskette and a side by side comparative analysis of the 1994 Housing Act and the proposed bill. Since the Housing Authority receives no District appropriations, enactment of the draft legislation will have no adverse financial impact on the city.

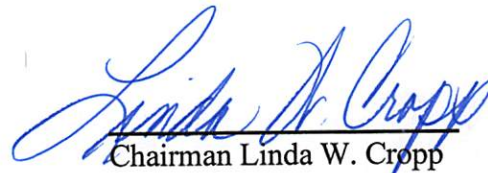
If you have need for additional information, please don't hesitate to contact me or my Chief of Staff, Camille Pierce on (202) 535-1513.

Sincerely,



David Gilmore
Receiver

Enclosures


Chairman Linda W. Cropp

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairperson Linda W. Cropp introduced the following bill which was referred to the Committee

To repeal title 5, chapter 1A of the District of Columbia Code, "District of Columbia Housing Authority Act of 1994" and enact a new act which establishes procedures for the appointment of a Board of Commissioners; retains the District of Columbia Housing Authority's status as an independent agency of the Government of the District of Columbia; authorizes the District of Columbia Housing Authority to establish an independent personnel system, procurement policies and procedures and financial systems; and authorizes the Housing Authority to issue bonds and acquire property by eminent domain.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Housing Authority Act of 1999".

Sec. 2. Purpose.

(a) The public housing program of and for the District of Columbia under the former Department of Public and Assisted Housing (DPAH) operated inefficiently and ineffectively and wasted public resources. DPAH suffered, among other things, from high turnover of its executive leadership, excessive staffing, inadequately qualified personnel, and inappropriate interference in its affairs.

(b) Despite high demand for affordable housing in the District of Columbia, many of DPAH's dwelling units became and remained vacant. Complaints from the residents of occupied units were not addressed by DPAH's administration. The public housing stock deteriorated and was plagued by vandalism and criminal activities. DPAH was designated a "troubled" housing authority by the United States Department of Housing and Urban Development (HUD) and faced significant loss of federal funds.

(c) Ultimately, applicants on the public housing waiting list sued DPAH in the Superior Court of the District of Columbia, Civil Division, for redress of the aforescribed conditions (*Pearson v. Kelly, et al.*, 92-CA-14030 (Sup. Ct. D.C., May 19, 1995)). The Court appointed a Master, who after a six-month investigation submitted an Initial Report and Recommendations to

the Court on January 10, 1994. The Master determined the following: DPAH had scored only 24.17 out of a possible 100 in its most recent rating under HUD's Public Housing Management Assessment Program, which has a minimum passing score of 60; DPAH's vacant unit rate was approximately 20% compared to HUD's standard of 3%; its rent collection rate was 82%, whereas the HUD norm is 95%; annual inspections were not routinely conducted; the maintenance effort was poorly organized and directed; responsiveness to residents' complaints was poor; and the authority's financial condition was weak.

(d) The Council of the District of Columbia, recognizing these serious deficiencies, replaced DPAH with the District of Columbia Housing Authority (DCHA), an instrumentality of the government of the District of Columbia by the District of Columbia Housing Authority Act of 1994, D.C. Code § 5-120 et seq., effective March 21, 1995. The Housing Authority Act of 1994 ("1994 Act") provided DCHA with the tools to begin transforming the Housing Authority from a troubled public housing authority to a high performing housing authority.

(e) Based upon the aforecited Master's Report and Recommendations, and after hearings and due consideration, the Court in an order issued on May 19, 1995 appointed a Receiver to take control of and operate DCHA.

(f) Among the Court's charges to the Receiver was the direction ". . . To establish DPAH's independence by building or strengthening its capacity to manage its own personnel system and legal and financial affairs." (Paragraph 2, page 3, Order, dated May 19, 1995.)

(g) The Receiver, as is reflected in his "Toward Recovery - A Six- Month Update" reports to the Court, has made significant progress including the following: the condition of the dwelling units and their grounds have been improved; vacant units have been rehabilitated and re-occupied; security has been enhanced; resident complaints have diminished; resident employment has increased; competitive federal funding awards have been won; and new mixed-income communities and public-private partnerships have been launched.

(h) Since the court order receivership of the DCHA may end in the near future, it is time to insure that the form of governance of the rejuvenated DCHA in the post-Receivership period is designed to prevent the policies, practices, and influences that led to its predecessor's downfall.

(i) Nationally, the enabling statutes of most states establish public housing authorities that are administered and governed independently. Independent housing authorities have been found to result in greater efficiency and probity. Similarly, the Master in the aforecited Report and Recommendations found that the relationship of the government of the District of Columbia and the public housing program was "too close and not well understood by the District of Columbia" and that the housing authority should be made exempt from "all city regulations and procedures related to the performance of its duties as a public housing authority."

(j) The Council has concluded not only that DCHA should be an agency independent

from the operations of the District of Columbia government, but also that the residents and persons and organizations committed to low-income persons should have a role in the Board of Commissioners nomination process in order to safeguard the long-term interests of DCHA's residents and the rejuvenated agency.

(k) The Council also believes that DCHA should be endowed with the powers of eminent domain and with the ability to issue tax-exempt obligations to enable the DCHA to fulfill its role as a provider of safe, sound and sanitary housing for low and moderate income persons and families in the District of Columbia.

(l) For all these reasons, the Council finds it necessary and expedient to repeal in its entirety the existing Chapter 1A of Title 5 of the District of Columbia Code, and to replace it with the following new Chapter 1A.

Sec. 3. Title of Chapter.

This chapter may be referred to as the "District of Columbia Housing Authority Act of 1999."

Sec. 4. For purposes of this act, the term:

- (1) "Act" means the District of Columbia Housing Authority Act of 1999.
- (2) "Apprehension" means the act of seizing and/or arresting a suspect.
- (3) "Arrest" means the act of seizing and charging a suspect with the commission of a crime or violation.
- (4) "Authority" means the District of Columbia Housing Authority.
- (5) "Board" means the Board of Commissioners of the District of Columbia Housing Authority.
- (6) "City-Wide Resident Council Advisory Board" means a group consisting of the President of each Resident Council and not more than 15 members selected by the residents.
- (7) "Council" means the Council of the District of Columbia.
- (8) "Commissioner" means a member of the Board of Commissioners of the District of Columbia Housing Authority.
- (9) "Days" or "Day" means calendar days/day.
- (10) "District" means the Government of the District of Columbia.
- (11) "District of Columbia Housing Authority Police Department" means the duly

constituted police department of the District of Columbia Housing Authority.

(12) “District Government” means the Government of the District of Columbia

(13) “DPAH” means the former Department of Public and Assisted Housing of the District.

(14) “Execute” means to carry out or perform all necessary formalities to effect or enforce the directions of a court order, court decree or warrant.

(15) “Executive Director” means the Executive Director of the District of Columbia Housing Authority.

(16) “Fund” means the District of Columbia Housing Authority Fund created by this chapter.

(17) “General Population Housing” means a housing community that includes or may include non-elderly singles, families, disabled residents and elderly residents.

(18) “Housing Property” or “Housing Properties” means housing and related facilities for persons of low and moderate income as herein defined, and housing, community facilities and other properties intended to support or contribute to the financial viability of such housing and related facilities, the development or administration of which is assisted by the Authority, the United States Department of Housing and Urban Development or other funding sources.

(19) “Low income families” or “persons of low income” means families or persons whose incomes do not exceed eighty percent (80%) of the median area income in and for the Washington Metropolitan Area, in accordance with the definition set forth in the U.S. Housing Act of 1937, as amended.

(20) “Mayor” means the Mayor of the District of Columbia.

(21) “Members of the District of Columbia Housing Authority Police Department” means those persons who are employed as police officers, and special police officers by the Authority.

(22) “Mixed-Income Community” means a housing development that includes rental and/or homeownership units made available to persons and or families of varying incomes and which includes Public-Housing-Assisted Units.

(23) “Mixed Population Housing” (formerly designated as elderly housing) means a housing community that includes elderly and non-elderly disabled residents.

(24) “Moderate income families” or “persons of moderate income” means families or persons whose incomes do not exceed one hundred fifteen percent (115%) of the median area

income in and for the Washington Metropolitan Area, or shall have such other meaning as may from time to time be established by HUD in the U.S. Housing Act of 1937 Act, as amended.

(25) "Nominating Commission" means the commission tasked with choosing nominees for appointment to the Board of Commissioners.

(26) "Officer" means an Authority employee who is in a decision-making or supervisory position.

(27) "Public-Housing-Assisted Unit" means any unit that is developed, operated or maintained in full or in part with federally-appropriated housing monies, including but not limited to capital or revitalization funds and operating subsidy funds.

(28) "Power of Arrest" means the ability to seize and arrest alleged or suspected offender to answer for a crime.

(29) "Receiver" means the Receiver appointed to oversee the District of Columbia Housing Authority, operating pursuant to the order ("Order") entered in Pearson v. Kelly, 92-CA-14030 (Sup. Ct. D.C. May 19, 1995).

(30) "Resident" means any individual who resides in a dwelling unit in a Public-Housing Assisted Unit as a signatory on a lease for said dwelling unit, or identified on the lease as a member of the family of the individual who is the signatory on the lease; or means a resident as defined in the U.S. Housing Act of 1937, as amended.

(31) "Weapon" means an instrument or device for offensive or defensive combat, or anything used, or designed to be used, for the purpose of harming, threatening, damaging or injuring a person or property.

Sec. 4.1 Establishment of District of Columbia Housing Authority; Purposes of Authority; Fund.

(a) There is hereby established, as an independent agency within the District of Columbia, the District of Columbia Housing Authority. The Authority shall be a corporate body, intended, created and empowered to effectuate certain public purposes, having a legal existence separate and distinct from the District government. The Authority shall be the successor in interest to the Housing Authority created by the District of Columbia Housing Authority Act of 1994 (D.C. Law 10-243). All real and personal property, assets, records and obligations, and all unexpended balances of appropriations, allocations and other funds available or to be made available relating to the powers, duties, functions, operations and administration of the former Department of Public and Assisted Housing (DPAH) and of the Authority created pursuant to said 1994 Act shall become the property of the Authority established herein upon enactment hereof, and are hereby transferred to and vested in the Authority, without need of further action.

(b) The Authority shall, among other things, govern public housing and implement the

United States Housing Act of 1937, as amended in the District of Columbia, and shall be responsible for carrying out the public purpose of providing decent, safe and sanitary dwellings, and related facilities, for persons and families of low and moderate income in the District of Columbia.

(c) There is hereby established the District of Columbia Housing Authority Fund, which shall be operated by the Authority in accordance with generally accepted accounting principles. All revenues, rents, proceeds and monies, from whatever source derived, that are collected or received by the Authority shall be credited to the Fund and shall not at any time be transferred to, lapse into, or be commingled with the General Fund of the District of Columbia or any other fund or account of the District; except that funds may be paid out of the Fund to the District of Columbia Treasurer to pay for goods, services or property, or other things of value, if any, purchased by the Authority from the District.

Sec. 5. General Powers of the Authority

Sec. 5.1. In order that the Authority may fulfill its purposes to the fullest extent possible, it is hereby empowered and authorized to do the following:

(a) To acquire real and personal property by purchase, lease, transfer, gift, exchange or otherwise, and by power of eminent domain as herein conferred.

(b) To hold, own, operate, lease and manage real property and the improvements thereon, personal property, funds, accounts, and other items, improvements or assets related to the Authority's purposes.

(c) To establish rules and regulations governing entrance onto Housing Properties, to charge unauthorized persons on the grounds of such Housing Properties with unauthorized entry, and to issue orders barring unauthorized persons from the grounds of Housing Properties.

(d) To lease, sell, pledge, encumber, mortgage, convey, dispose of or otherwise transfer rights and interests in real property and the improvements thereon, personal property, funds, accounts and other items, improvements or assets related to the Authority's purposes.

(e) To construct, reconstruct, improve, repair, rehabilitate, revitalize, operate, lease and maintain Housing Properties, including, but not limited to, assisted living developments, mixed-income communities, mixed-population housing, homeownership, condominium or cooperative units, family rental developments, housing for the elderly and/or disabled, special needs housing and other improvements related to or supportive of any or all of the foregoing, and to contract with others for the performance of such activities.

(f) To demolish unsafe, unsound, unsanitary or obsolete Housing Properties or other structures, in connection with the fulfillment of the purposes of this chapter and in accordance with applicable federal laws and regulations, and to contract with others to perform such demolition.

(g) To lease, operate, manage and/or maintain Housing Properties in furtherance of the

Authority's purposes.	1
(h) To issue bonds, notes and other obligations, pursuant to the provisions of this chapter.	2
(i) To apply for, accept, receive and utilize funds from public and private sources in the form of gifts, grants or loans, and to provide collateral security for bonds and borrowings, in connection with of providing safe, sound and sanitary housing accommodations for persons of low income and moderate income, and all activities related thereto.	3 4 5 6
(j) To provide grants, guarantees and loans in connection with the development, construction, reconstruction, repair, improvement, operation, leasing, purchase and/or sale of Housing Properties and related facilities.	7 8 9
(k) To sue and be sued in its own name.	10
(l) To adopt and implement administrative procedures, in accordance with D.C. Code §1-1503 and all other applicable laws and regulation.	11 12 13
(m) To adopt and administer personnel policies and procedures, including grievance procedures, and to engage in contract negotiations in and for its own behalf with bargaining units duly elected to represent the Authority's employees.	14 15 16 17
(n) To employ an Executive Director, a financial officer and such other Officers, agents and employees as it may require, and to enter into contracts of employment with such persons.	18 19 20
(o) To employ its own General Counsel, and to employ special counsel from time to time as needed.	21 22
(p) To adopt and administer its own procurement and contracting policies and procedures, which, with respect to federal funds, shall be consistent with applicable federal laws and regulations.	23 24 25
(q) To enter into contracts, joint ventures or other cooperative arrangements with the District, the United States of America, other public entities and/or private entities in order to further and achieve the Authority's purposes.	26 27 28
(r) To establish not-for-profit and for-profit corporations, partnerships, limited liability companies and other entities to act in furtherance of the Authority's purposes.	29 30
(s) To create a distinctive design and numbering system for identification of Authority motor vehicles and other property, including an Authority Police Department license tag that shall be affixed to the license plates of Authority Police Department vehicles at the Authority's expense.	31 32 33

(t) And to undertake any and all other activities as may be reasonably necessary and appropriate in connection with furthering and accomplishing the Authority's purposes.

Sec. 6. Power of Eminent Domain.

(a) The Authority is hereby granted the power of eminent domain for the purpose of acquiring real property and interests in land that may be necessary or appropriate for use in connection with the provision of safe, sound and sanitary housing for persons of low and moderate income, and facilities related thereto.

(b) Condemnation proceedings for the acquisition of any interest in real property for said purpose shall be conducted in accordance with subchapter II of Chapter 13 of Title 16 of the District of Columbia Code and all of the procedures set forth therein.

Sec. 7. Tax Exemption.

All assets and income of the Authority and all Housing Properties as defined herein (whether owned or operated by the Authority), shall be exempt from District taxation; except that, with respect to Mixed-Income Communities, this exemption shall apply only to the Public-Housing-Assisted Units in such communities. The Authority may, at its discretion, make or require payments in lieu of taxation in connection with such Housing Properties and may enter into agreements for any such payments in lieu of taxation with the District.

Sec. 8. Limitation on Actions Against Authority.

(a) An action may not be maintained against the Authority for damages or injuries to person or property unless, within six months after the date on which the damage or injury was sustained, the claimant, or the claimant's agent or attorney, gives notice in writing to the Executive Director of the Authority of the approximate time, place, cause and circumstances of the damage or injury. Any claim or purported claim of which the Authority is not given notice in accordance with this provision shall be deemed forever waived and barred.

(b) Notwithstanding any provision of law to the contrary, the Authority shall be entitled to the same number of days to which the District is entitled, as the same may change from time to time, for answering any complaint or other process served upon it.

(c) Execution or other judicial process shall not issue against real property owned in whole or in part by the Authority, nor shall any judgment against the Authority be a charge or lien upon real property owned in whole or in part by the Authority. This section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage on property of the Authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by the Authority on its rents, fees, and revenues.

Sec. 8.1. Representation.

The Authority shall be represented by its General Counsel and other attorneys, as necessary and notwithstanding any other provision of law, shall not be subject to the oversight of the Corporation Counsel for the Government of the District of Columbia.

Sec. 8.2. Office of Audit and Compliance.	1
The Authority shall establish an Office of Audit and Compliance. The Director of Audit and Compliance and the investigators shall conduct independent fiscal and management audits of the Authority's operations, conduct other special audits, assignments, and civil and criminal investigations. The Director of Audit shall comply with all federal requirements with respect to audits and investigations of federal programs and shall be the Authority's liaison for the General Accounting Office and the Office of the HUD Inspector General.	2 3 4 5 6 7
Sec. 9. Exemption from Court Fees and Costs.	8
(a) The Authority and any officer acting therefor shall not be required to pay court costs, filing fees or any other fees in any court in and for the District of Columbia.	9 10
(b) Neither the Authority nor any officer acting in his or her official capacity for the Authority may be required to give a bond or enter into an undertaking to perfect an appeal or to obtain an injunction or other writ, process or order in or of any court in the District of Columbia for which a bond or undertaking is required by law or rule of court.	11 12 13 14
Sec. 10. Delegation of Authority to Issue Bonds.	15
The Council hereby delegates to the Authority the power of the Council under Section 490 of the Self-Governance Act (D.C. Code § 47-334) to issue revenue bonds, notes and other obligations to borrow money to finance, refinance or assist in the financing or refinancing of any undertakings of the Authority pursuant to this Act.	16 17 18 19
Sec. 11. Power to Issue Bonds, Notes and Other Obligations.	20
(a) The Authority may at any time, and from time to time, issue revenue bonds, notes or other obligations (including refunding bonds, notes, or other obligations), by resolution, in one or more series, to finance or refinance, in whole or in part, any costs incurred or to be incurred in furtherance of the Authority's purposes. Subsequent to enactment of the resolution, the Authority shall send a copy to the Chairman of the Council of the District of Columbia describing the nature of the project, the benefits designed to result therefrom, as related to the public purposes of the Authority and the criteria under which funds will be made available.	21 22 23 24 25 26 27
(b) Bonds, notes and other obligations of the Authority are obligations payable from revenues of the Authority, from whatever source derived, including lease payments and certain dedicated revenues, earnings on the Fund, and any other funds available to the Authority which may be used for such purposes in accordance with applicable federal law.	28 29 30 31
(c) Regardless of their form or character, bonds and notes of the Authority are negotiable instruments for all purposes of the Uniform Commercial Code (D.C. Code Title 28), subject only to the specific provisions of said bonds and notes pertaining to registration.	32 33 34
(d) No officer, employee, Commissioner or agent of the Authority shall be held personally liable solely because a bond or note is issued. The authority shall indemnify any person who shall	35 36

have served as a commissioner, officer, employee or agent of the authority against financial loss or litigation expense arising out of or in connection with any claim or suit involving allegations that pecuniary harm has been sustained as a result of any transaction authorized by this Chapter, unless such person is found by a final judicial determination not to have acted in good faith and for a purpose which he reasonably believed to be lawful and in the best interest of the Housing Authority.

(e) The issuance and performance of bonds, notes and other obligations by the Authority as contemplated in this chapter and the adoption of resolutions authorizing such bonds, notes and other obligations shall be done in compliance with the requirements of this chapter but shall not be subject to the requirements of Subchapter I of Chapter 15 of Title 1 of the District Code, or any successor legislation.

(f) The Authority shall have the power to borrow money and to issue revenue bonds regardless of whether or not the interest payable by the Authority incident to such loans or revenue bonds or the income derived by the holders of the evidence of such loans or revenue bonds is, for the purposes of federal taxation, includable in the taxable income of the recipients of these payments or is otherwise not exempt from the imposition of taxation on the recipients. Whenever expedient, the Authority may refund bonds, including bonds previously issued by other than the Housing Authority, by the issuance of new bonds, regardless of whether the bonds to be refunded have matured. The Housing Authority may also issue bonds for a combination of refund, renewal, and financing programs authorized by the HUD or this act.

(g) The Authority shall have the power to contract with the holders of its notes or bonds as to the custody, collection, securing, investment and payment of any monies of the Authority and of any monies held in trust or otherwise for the payment of notes or bonds, subject to applicable provisions of federal law.

Sec. 11.1. Terms for sale of bonds; additional note and bond provisions.

(a) The Authority may stipulate by resolution the terms for sale of its bonds in accordance with this chapter, subject to applicable federal law and the requirements of any annual contribution contract or other agreement between the Authority and the United States Department of Housing and Urban Development; and such terms may include the following:

- (1) The date a note or bond bears;
- (2) The date a note or bond matures, provided that notes shall not mature later than 10 years from the date of original issuance and bonds shall not mature later than 30 years from the date of original issuance;
- (3) The designation of issuances as term bonds, serial bonds, or a combination of the two;
- (4) The denomination;

(5) Any interest rate or rates, or variable interest rate or rates changing from time to time, or premium or discount applicable;

(6) The registration privileges;

(7) The medium and method for payment; and

(8) The terms of redemption.

(b) The Authority may sell its bonds at public or private sale and may determine the price for sale.

(c) A resolution authorizing the sale of bonds may contain any of the following provisions, in which case these provisions shall be made part of the contract with holders of the bonds:

(1) The custody, security, expenditure or application of proceeds of the sale of bonds or notes of the Authority ("proceeds"), a pledge of the proceeds to secure payment and the rank or priority of the pledge, subject to preexisting agreements with holders of the bonds;

(2) A pledge of Authority revenues to secure payment and the rank of the priority of the pledge, subject to preexisting agreements with holders of the bonds;

(3) A pledge of assets of the Authority, including mortgages and obligations securing mortgages, to secure payment, and the rank or priority of the pledge, subject to preexisting agreements with holders of the bonds;

(4) The proposed use of gross income from any mortgages owned by the Authority and the payment of principal of mortgages owned by the Authority;

(5) The proposed use of reserves or sinking funds;

(6) The proposed use of proceeds from the sale of bonds or notes and a pledge of proceeds to secure payment;

(7) Any limitations on the issuance of bonds or notes, including terms of issuance and security, and the refunding of outstanding or other bonds;

(8) Procedures for amendment or abrogation of a contract with holders of the bonds, specifying the amount of bonds or notes, the holders of which must give consent to such amendment or abrogation, and the manner in which consent must be given;

(9) Any vesting in a trustee of property, power or duties, which may include the power and duties of a trustee appointed by holders of the bonds;

(10) Limitations or abrogations of the rights of holders of the bonds to appoint a trustee;	1 2
(11) A definition of the nature of default in the obligations of the Authority to the holders of the bonds and specification of the rights and remedies of the holders of the bonds in the event of default, including the right to the appointment of a receiver, in accordance with this chapter and applicable District laws; and	3 4 5 6 7
(12) Any other provisions of like or different character which affect the security of holders of the bonds.	8 9
(d) A pledge of the Authority is binding from the time it is made. Any funds or property pledged are subject to the lien of a pledge without physical delivery. The lien of a pledge is binding as against parties having any tort, contract or other claim against the Authority, regardless of notice. Neither the resolution nor any other instrument creating a pledge need be recorded.	10 11 12 13
(e) The signature of any authorized officer of the Authority which appears on a bond remains valid and binding upon the Authority if that person ceases to hold office.	14 15
(f) The Authority may secure bonds by a trust indenture between the Authority and a corporate trustee that has trust company powers within the District.	16 17
(g) A trust indenture of the Authority may contain provisions for protecting and enforcing the rights and remedies of the holders of the bonds in accordance with the provisions of the resolution authorizing the sale of the bonds.	18 19 20
(h) Subject to preexisting agreements with the holders of the bonds or notes, the Authority may purchase its own bonds, which may then be canceled. The price the Authority pays to purchase its own bonds may not exceed the following limits:	21 22 23
(1) If the bonds are redeemable, the price may not exceed the redemption price then applicable plus accrued interest to the next-due interest payment; or	24 25
(2) If the bonds are not redeemable, the price may not exceed the price applicable on the first date following the purchase upon which the bonds or notes become subject to redemption plus accrued interest to that date.	26 27 28
(i) The Authority may establish special or reserve funds in furtherance of its authority under this chapter. Subject to agreements with holders of the bonds, the Authority shall manage its own funds, and may invest funds not required for disbursement in a manner the Authority's Board deems to be prudent.	29 30 31 32
(j) The bonds of the Authority are legal instruments in which public officers and public bodies of the District, insurance companies, insurance company associations and other persons	33 34

carrying on an insurance business, banks, bankers, banking institutions including savings and loan institutions, trust companies, savings banks, savings associations, investment companies and other persons carrying on a banking business, administrators, guardians, executors, trustees and other fiduciaries, and other persons authorized to invest in bonds or in other obligations of the District may legally invest funds, including capital, in their control. The bonds are also securities which legally may be deposited with and received by public officers and public bodies of the District or any agency of the District for any purpose for which the deposit of bonds or other obligations of the District is authorized by law.

(k) Obligations issued under the provisions of this chapter do not constitute an obligation of the District, but are payable solely from the revenues or assets of the Authority. Each obligation issued under this chapter must contain on its face a statement to this effect, and a notation that neither the faith and credit nor the taxing power of the District are pledged to the payment of the principal of or interest on such obligation.

(l) Income from bonds issued by the Authority is hereby expressly made exempt from District taxation, except that it shall remain subject to estate and gift taxation.

Sec. 11.2. District Pledge.

The District pledges to the Authority, with regard to any and all bonds issued by the Authority, that the District will not limit or alter rights vested in the Authority to fulfill agreements made with holders of the bonds, nor in any way impair the rights and remedies available to the holders of the bonds, until the bonds and the interest thereon, together with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings brought by or on behalf of the holders of the bonds have been fully met, paid and discharged.

Sec. 12. Board of Commissioners and Nominating Commission.

Sec. 12.1 Board of Commissioners.

(a) The powers of the Authority shall be vested in its Board of Commissioners. The Board shall consist of seven Commissioners, five of whom shall be appointed by the Mayor from a list of nominees provided by a Nominating Commission in accordance with this section (the "appointed members"), and two of whom shall be residents elected in a general election held in and for the Authority's Housing Properties (the "elected members").

(b) All Commissioners, at time of appointment, shall be residents of the District of Columbia and shall remain residents throughout the term of the appointment.

(c) All Commissioners shall spend at least five days per year in training or educational seminars on corporate governance, public-housing law and regulations, labor and personnel issues, real estate and construction issues, or other subjects related to public housing development, operation and management, the cost of which shall be paid by the Authority.

(d) Two (2) of the Commissioners shall be public housing residents, one of whom shall be a resident of and elected by the residents of general population housing and one of whom shall be a

resident of and elected by residents of the mixed population housing (formerly designated as elderly housing). Each shall be elected by a general election of public housing residents. No resident shall be eligible to run for the position of Commissioner unless currently in full compliance with the residential lease with the Housing Authority. The Authority shall hold the first election for these 2 Commissioner seats no later than one hundred eighty (180) days after the effective date of the Act, in accordance with the provisions hereinafter set forth, and shall provide the names of the elected candidates to the Mayor immediately thereafter. Each resident commissioner shall remain on the Board of Commissioners only so long as he/she resides in public housing in the District.

(e) The Commissioners shall serve 3-year terms, which terms shall be staggered so as to provide for continuity on the Board. Of the initial Board members, the 2 public housing residents shall serve initial terms of 3 years, 3 of the appointed members shall serve initial terms of 2 years, and the remaining 2 appointed members shall serve initial terms of 1 year.

(f) (1) The initial general elections to be held among public housing residents for the 2 resident members of the Board shall be conducted in accordance with rules and procedures established by the Receiver. Thereafter, resident elections shall be conducted in accordance with rules and procedures established by the Board, and shall be held no sooner than 5 months and no later than 2 months prior to the expiration of the current 3-year term. All resident elections shall be held under the supervision of an independent expert in election monitoring, to be selected by the Receiver for the initial election, and thereafter to be selected by the Board.

(2) The results of each resident general election shall be kept with the records and papers of the Board for a period of 3 years, until the next scheduled election is held. In the event that 1 of the resident members becomes unable to serve or is removed from the Board as hereinafter provided, that member's seat shall be offered to the person who received the next-highest number of votes for the general population seat or the mixed population seat, whichever has been vacated, and so on down the list until a replacement is found. Only in the event that a replacement cannot be made from the election list may a special election be authorized and conducted by the Board.

(g) Each vacancy in an unexpired term of a non-elected Commissioner shall be filled by appointment within 60 days in the same manner as the appointment was made, and shall be for the duration of the unexpired term.

(h) The Commissioners shall select a Chairperson of the Board from among themselves. The Chairperson shall have a term of 1 year, but there shall be no limit on the number of terms a Chairperson may serve. The Chairperson shall conduct the meetings of the Board in accordance with procedures established by the Board.

(i) The Commissioners may select a Vice Chairperson of the Board from among themselves, with a term and functions to be determined by them.

(j) Resident Commissioners shall not be in violation or default of their contractual or rent obligations to the Authority. Any such violation or default, and failure to cure the same, if available, within the applicable period of time after notice, shall be cause for a resident Commissioner's removal from the Board. In addition, subject to a final determination through the applicable grievance or other procedure, a resident Commissioner's eviction or voluntary departure from the Authority's Housing Properties, shall be cause for removal from the Board. During the pendency of any action against a Resident Commissioner, said Commissioner may be suspended.

(k) No Commissioner shall have any past due taxes, special assessments or other charges owing to the District of Columbia. Failure to timely pay any such amounts due, or to pay overdue taxes, assessments or other District charges after demand therefor and after a final determination pursuant to the applicable grievance or other procedure, shall be cause for a Commissioner's removal from the Board.

(l) No person shall serve as Commissioner who is an employee of the Authority or of the District government, a member of any District board or commission (including those that are purely advisory), a spouse of the head of a District department or agency, a spouse of an Authority employee, a spouse of an elected official, or a parent or child of any of the above persons.

(m) No Commissioner may be held personally liable for any action taken in accordance with and in furtherance of his or her official duties and responsibilities as set forth in this chapter.

(n) No Commissioner appointed pursuant to this chapter shall receive any compensation for the performance of his or her official duties and responsibilities; but each Commissioner shall be entitled to reimbursement of actual travel and other expenses reasonably related to the Commissioner's attendance at Board meetings and fulfillment of official duties.

(o) The Board may, by majority vote, remove any Commissioner for official misconduct, conflict of interest violations, neglect of duty, incompetence, or personal misconduct, but only after the Commissioner shall have been given a copy of the charges and an opportunity to answer those charges, in accordance with a procedure established in the by-laws or other enactment of the Board. The Chairperson may suspend a Commissioner pending the Board's consideration of the charges and the Commissioner's response thereto. In the event the Chairperson is the Commissioner against whom charges have been made, the Mayor may suspend the Chairperson pending such consideration.

(p) The Board may, by majority vote, require that any Commissioner or Executive Director resolve conflict of interest violations by public disclosure of the conflict of interest, and recusal from the decision making process involving the conflict, divestiture or any other manner that does not violate local or Federal law.

(q) In addition to those powers conferred elsewhere in this chapter, the Board is hereby charged with the duty to govern all the affairs of the Authority and shall have all powers necessary or convenient to carry out the purposes of this chapter, including but not limited to the following:

(1) To review and approve all contracts for goods and/or services having a value of more than \$250,000;

(2) To make and implement rules, by-laws, policies and regulations necessary and proper for the effective administration of the Authority and the fulfillment of the purposes of this chapter;

(3) To promulgate rules and procedures for the election of the resident members of the Board, and to conduct such elections; and

(4) To perform such other functions as are needed to ensure the provision of quality services to the residents of the Housing Properties.

(r) The Board of Commissioners shall meet at least once each month. All meetings of the Board shall be conducted in public, after publication of notice of the meeting in the D.C. Register, at least one (1) week prior thereto, of the day and time scheduled therefore; and each meeting shall commence with a period for public comments, which shall not be limited in time, except that the time allowed each individual speaker may be reasonably limited. In order for the Board to meet and entertain any proposed action, there must be a quorum present, which shall consist of at least five (5) Commissioners. The public notice of meeting requirement shall not preclude the holding of an emergency meeting of the Board, when such a meeting is deemed by the Chairperson to be necessary. In the event that a proposed action concerns a personnel matter, a claim or contract in negotiation, or some other matter of a sensitive nature, the Board may adjourn its public session to address such matter in an executive session, but must return to its public session in order to vote on the matter.

Sec. 12.2. Nominating Commission.

(a) The Nominating Commission shall consist of eight members, one member representative from each of the following organizations, or the successors in interest to these organizations (if an organization has no direct successor, the Board shall select an appropriate replacement organization):

- (1) Council of the District of Columbia
- (2) D.C. Action for Children
- (3) Federal City Council
- (4) Interfaith Conference
- (5) Metropolitan Council of Governments
- (6) Nonprofit Housing Coalition
- (7) Washington Legal Clinic for the Homeless
- (8) City-wide Resident Council Advisory Board

(b) Within sixty days of the effective date of this Act, each group identified above shall provide the Receiver with the name of its representative to the Nominating Commission. The first meeting of the Nominating Commission shall be scheduled by the Receiver, and shall be held no

later than ninety (90) days after such effective date of this Act.

(c) The Nominating Commission shall remain in existence beyond the establishment of the Board of Commissioners, and shall convene when necessary to select new nominees in the event that a position on the Board is vacated or becomes available upon the expiration of a member's term.

(d) When a member of the Nominating Commission resigns or is replaced, the name of a successor shall be provided to the Board by the designating organization.

(e) The Nominating Commission shall select three suitable candidates for each of the five appointed Commissioner positions, and shall submit its nominees to the Mayor by no later than one hundred eighty (180) days after the effective date of the Act. The Mayor shall select 1 person from each group of three submitted by the Nominating Commission for each of said appointed positions by no later than sixty (60) days after receiving the list of nominees from the Nominating Commission. If the Mayor does not appoint the members of the Board by such date, then the Nominating Commission, within 30 days of the Mayor's failure to appoint shall meet and select 1 of its 3 nominees from each of the appointed Commissioner positions, and the Nominating Commission's selection shall be deemed final.

(f) In selecting nominees for the Board, the Nominating Commission shall select persons with experience in at least one of the following fields: banking/finance, business enterprise, community development, education, the faith community, labor, law enforcement, multi-family housing development or management, philanthropy, real estate, social services, and subsidized or nonprofit housing. No more than one Commissioner shall be chosen from a single category, but any Commissioner may have experience in an area or areas other than the one for which he or she was chosen.

Sec. 13. Executive Director.

(a) An Executive Director shall be appointed by the Board. The Executive Director shall be an employee of the Authority, but shall not be a member of the Board. The Executive Director shall receive compensation and other terms and conditions of employment as shall be fixed by the Board.

(b) The Board shall require the Executive Director to achieve specific performance standards approved by the Board. The Board and the Executive Director shall create a 5-year plan of goals and objectives, to be updated and published each year, together with an annual report of the progress achieved under such plan to date. The Public Housing Agency Plan and annual updates required by Section 5A of the U.S. Housing Act of 1937, as amended may satisfy this requirement if the Board so decides.

(c) The Executive Director shall, subject to the direction and supervision of the Board:

(1) Administer, manage, and direct the daily affairs and activities of the Authority;

(2) Supervise the staff of the Authority, make all final personnel decisions, and employ assistants, employees and consultants as necessary in accordance with this chapter and the rules, regulations, by-laws and policies adopted by the Board;

(3) Execute leases, deeds, notes, bonds, contracts and other documents on the Authority's behalf; and

(4) Perform such other acts and duties as shall be assigned by the Board.

Sec. 14. Social Services Teams in Public Housing.

(a) The Authority may, subject to availability of funds, develop a plan for the provision of social services within its Housing Properties and establish social service teams to implement that plan.

(b) Nothing in this section shall be construed to prohibit other District or United States government departments and agencies from providing social services to public housing residents.

Sec. 15. Status of Authority Employees.

(a) All employees hired by the Authority after the effective date of this act shall be employees of the Authority and not of the District, and shall be exempt from coverage under the Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Code § 1-601 et seq.).

(b) All employees hired by the Authority or its predecessor agencies prior to the effective date of this act shall be transferred from employment with the District to employment with the Authority upon such effective date, but each position into which any such employee is transferred shall be at least equal to the position from which the employee was transferred in relation to the classification, compensation, rights and benefits associated with the position; and any such persons hired by the Authority's predecessor agencies prior to December 31, 1979, shall not forfeit any of the rights, benefits and privileges available to them as employees of the District pursuant to the Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Code § 1-601 et seq.).

(c) All employees of the Department of Public and Assisted Housing shall be transferred to the Authority and continue to be employees of the District of Columbia government; except that all new employees hired after March 21, 1995 shall be classified as Excepted Service in accordance with the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective (D.C. Code § 1-601 et seq.).

(d) The Board shall have the right to enter into an agreement with the District in order to participate in some or all of the District's employee benefit plans and programs, so as to provide Authority employees with such benefit plans and programs. However, the Authority's benefits shall not be tied to the District's employee benefits unless it contracts to do so.

Sec. 16. Procurement. 1

The Board shall develop standards for the purchases of, and contract for, supplies and 2
services consistent with the applicable federal laws and regulations which shall be separate and 3
distinct from the procurement requirements of the District. The Authority shall be exempt from the 4
District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6- 5
85; D.C. Code § 1-1181.1 et seq.), as amended. 6

Sec. 17. Financial Disclosure and Conflict of Interest. 7

Sec. 17.1 Board of Commissioners and Executive Director. 8

(a) An affidavit of financial disclosure, shall be completed and submitted by each 9
Commissioner within thirty (30) days of his or her appointment and by the Executive Director at 10
the time his or her contract is being negotiated with the Board. Refusal to comply with this 11
requirement shall be cause for removal or termination. The form or forms of financial disclosure 12
shall be developed by the Authority's General Counsel or designated Ethics Officer and approved 13
by the Board. The completed disclosure forms shall be retained in the records of the General 14
Counsel or Ethics Officer. 15

(b) No Commissioner or Executive Director of the Authority shall have any financial or 16
personal interest, either directly or indirectly, in any contract to which the Authority is a party for 17
the purchase of supplies, materials, equipment, or services. 18

(c) No Commissioner or Executive Director shall have any financial or personal interest, 19
either directly or indirectly, in any entity involved directly or indirectly in any transaction with the 20
Authority, including, but not limited to, construction companies, real estate development firms, 21
property management companies, and service providers. 22

(d) No resident Commissioner shall have any financial or personal interest in any 23
resident-owned business, or any other entity, with which the Authority contracts to do business or 24
to purchase goods or services. 25
26

(e) For a period of one year after termination or expiration of his or her term as a 27
Commissioner or his or her term of employment, no former Commissioner or Executive Director 28
shall appear before any court or government department or agency as agent or attorney for anyone 29
other than the Authority in connection with any proceeding, application, request for a ruling or 30
other determination, contract, claim, controversy, charge, accusation, arrest, or other particular 31
matter in which the Authority is substantially interested, whether or not he or she took any action 32
or made any decision as Commissioner or Executive Director in connection with such matter. This 33
provision shall not preclude compliance with a subpoena duly issued to any Commissioner or 34
Executive Director of the Authority 35

(f) The General Counsel or designee shall advise the Board of Commissioners of potential 36
conflict of interests involving any Commissioner or the Executive Director. The General Counsel 37
or designee shall advise the Board whether (1) there is an appearance of a conflict of interest; (2) 38
there is a conflict of interest; (3) there is no conflict of interest; or (4) there is good cause to waive 39

the conflict of interest provisions because an extraordinary situation exists and the Housing Authority would benefit from the waiver. A conflict of interest may be resolved by public disclosure of the conflict of interest and recusal from the decision making process with respect to the conflict, divestiture, or by any other manner that does not violate local or Federal law.

Sec. 17.2 Employees.

(a) An affidavit of financial disclosure, shall be completed and submitted by each employee of the Authority prior to the effective date of employment, and shall be updated annually, if required by the Authority. Refusal to comply with this requirement shall be cause for removal or termination. The form or forms of disclosure shall be developed by the Authority's General Counsel or designated Ethics Officer and approved by the Board, and the completed disclosure forms shall be retained in the records of the General Counsel or Ethics Officer.

(b) No officer of the Authority or any employee designated to handle purchasing or contracting for the Authority, shall have any financial or personal interest, either directly or indirectly, in any contract to which the Authority is a party for the purchase of supplies, materials, equipment, or services.

(c) No officer of the Authority or any employee of the Authority in a decision-making capacity, shall have any financial or personal interest, either directly or indirectly, in any entity involved directly or indirectly in any transaction with the Authority, including, but not limited to, construction companies, real estate development firms, property management companies, and service providers.

(d) For a period of one year after termination or expiration of his or her term of employment, no former officer shall appear before any court or government department or agency as agent or attorney for anyone other than the Authority in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the Authority is substantially interested, whether or not he or she took any action or made any decision as officer in connection with such matter. This provision shall not preclude compliance with a subpoena duly issued to any officer of the Authority.

(e) Any officer or employee of the Authority who holds an employment or financial interest described above must disclose the nature and circumstances of the conflict to the Authority and the General Counsel or designee. The General Counsel or designee shall review conflict of interests and make a case-by case legal determination whether there is a conflict of interest and, if so, whether there is good cause to waive the conflict based upon the facts presented.

(f) The General Counsel or designee shall notify the Executive Director if a conflict of interest exists involving any employee or officer. The General Counsel or Designee shall determine whether (1) there is an appearance of a conflict of interest; (2) there is a conflict of interest; (3) there is no conflict of interest; or (4) there is good cause to waive the conflict of interest provisions because an extraordinary situation exists and the Housing Authority would

benefit from the waiver. A conflict of interest may be resolved by public disclosure of the conflict of interest and recusal from the decision making process with respect to the conflict, divestiture, or any other manner that does not violate local or Federal law.

Sec. 18. Local Law Exemption.

The provisions of Chapter 19 of Title 45 shall not apply to the property managers of the residential component of any Housing Properties under the jurisdiction of the Authority. The activities of such property managers shall be regulated by the applicable statutes, rules, and regulations of the United States.

Sec. 19. District of Columbia Housing Authority Police Department.

(a) The Authority is authorized to establish and maintain a regular police department, to be known as the District of Columbia Housing Authority Police Department ("DCHAPD"), to provide protection for its residents, employees, and properties (real and personal). The DCHAPD shall be composed of both uniformed and plain clothes personnel. The DCHAPD shall be charged with the duty of enforcing laws, ordinances, rules and regulations of the Authority. Members of the DCHAPD shall have the power to execute any traffic citation or any criminal process (misdemeanor or felony) issued by any court of the District of Columbia, or any felony, misdemeanor or other offense against District of Columbia laws, ordinances, rules or regulations. The jurisdiction of the DCHAPD shall be concurrent with that of the Metropolitan Police Department and coextensive with the territorial boundaries of the District of Columbia.

(b) The members of the DCHAPD shall have concurrent jurisdiction in the performance of their duties with the duly constituted law enforcement agencies of the District of Columbia. Nothing contained in this section shall either relieve any agency from its duty to provide police, fire, or other public safety service and protection, or limit, restrict, or interfere with the jurisdiction or performance of duties by existing police, fire, and other public safety agencies.

(c) A member of the DCHAPD shall have the same powers, including the power of arrest, and shall be subject to the same limitations, including regulatory limitations, in the performance of his or her duties as a member of the duly constituted police force of the District of Columbia. Member of the DCHAPD are authorized to carry and use only such weapons, including handguns, as are issued by the Authority. Members of the DCHAPD are authorized to carry issued weapons both on and off duty in the District of Columbia and are subject to such additional limitations as are imposed on the duly constituted police force for the District of Columbia in accordance with §22-3205 of the District of Columbia Code.

(d) Upon the apprehension or arrest of any person by a member of the DCHAPD, the officer, as required by the laws of the District of Columbia, shall either issue a summons or a citation against the person, book the person, or deliver the person to the duly constituted police or judicial officer of the District of Columbia for disposition as required by law.

(e) (1) The Authority shall have the power to adopt rules and regulations and to establish fines for the safe, convenient, and orderly use of the properties owned, controlled, or operated by

the Authority, including the protection of the Authority's residents, employees, and property (real and personal), and the control of traffic and parking in, on or around properties owned or managed by the Housing Authority. In the event that any such rules and regulations contravene the laws, ordinances, rules, or regulations of the District of Columbia, which are existing or subsequently enacted, these laws, ordinances, rules, or regulations of the District of Columbia shall apply and the conflicting rule or regulation, or portion thereof, of the Authority shall be void.

(2) The rules and regulations established under this subsection shall be adopted and published in accordance with the standards of due process, including the publication or circulation of a notice of the intended action of the Authority. The adoption and publication of rules and regulations shall afford to interested persons the opportunity to submit data or views orally or in writing. After adoption, the rules and regulations shall be published in the District of Columbia Register.

(3) Any person violating any rule or regulation of the Authority shall, upon conviction by a court of competent jurisdiction, pay a fine of not more than \$500 and costs.

(f) With respect to members of the DCHAPD, the Authority shall:

(1) Establish classifications based on the nature and scope of duties and fix and provide for their qualifications, appointment, removal, tenure, term, compensation, pension, and retirement benefits;

(2) Provide training; for the purposes of this paragraph, the Authority may enter into contracts or agreements with any public or private organization engaged in police training. The training and the qualifications of the uniformed and plainclothes personnel shall at least be equal to the requirements of the District of Columbia for its personnel performing comparable duties; and

(3) Prescribe distinctive uniforms to be worn and vehicles to be used; and shall prescribe a distinctive license tag to be affixed to all vehicles of the Authority used by DCHAPD officers.

(g) The Authority shall have the power to enter into agreements with public safety agencies, including those of the federal government, for the delineation of the responsibilities of the DCHAPD and with the duly constituted police, fire, and other public safety agencies for mutual assistance.

(h) Before entering upon the duties of office, each member of the DCHAPD shall take or subscribe to an oath of affirmation, in the presence of a person authorized to administer oaths, to faithfully perform the duties of that office.

(i) (1) Retired police officers of the District of Columbia Metropolitan Police Force ("Metropolitan Police Force") shall be permitted to be deployed as Authority police officers.

(A) Except for disability annuitants, police officers retired from the Metropolitan Police Force shall be eligible for rehire at the discretion of the Receiver or Executive Director of the Housing Authority as Authority police officers without jeopardy to any retirement benefits of the police officers.

(B) Service pursuant to this subsection shall not count as creditable service for the purposes of D.C. Code § 4-610.

(2) All costs associated with the hiring of retired police officers as Authority police officers shall be absorbed by the Authority.

Sec. 20. Disposition of Assets on Dissolution.

If the Authority is dissolved by repeal of this chapter or ceases to exist for any other reason, all of its assets (including, but not limited to, cash, accounts receivable, reserve funds, real or personal property, and contract and other rights) shall automatically be assigned to and become the property of the District. In no event, however, shall any cash or other monies in the D.C. Housing Authority Fund and the various accounts thereof be deposited into any District of Columbia fund or account without the prior written approval of the United States Department of Housing and Urban Development; and, in the event of such approval, all such funds shall nevertheless be deposited and maintained in an account or accounts separate from the general fund of the District.

Sec. 21. Severability.

If any provision or provisions of this chapter, or the application thereof to any persons or circumstances, is held to be invalid, the remainder of this chapter, and the application of such provision or provisions to other persons and circumstances, shall not be affected thereby.

Sec. 22. Fiscal Impact Statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by Section 602(c)(3) of the District of Columbia Home Rule Act [approved December 24, 1973 (87 Stat. 813; D.C. Code §1-233(c)(3))].

Sec. 23. Effective Date.

This Act shall take effect following: approval by the Mayor (or, in the event of veto by the Mayor, action by the Council to override the veto); approval by the Financial Responsibility and Management Assistance Authority as provided in Section 203(a) of the District of Columbia Financial Responsibility and Management Act of 1995 [approved April 17, 1995 (109 Stat. 116; D.C. Code §47-392.3(a))]; a 30-day period of Congressional review as provided in Section 602(c) of the District of Columbia Home Rule Act [approved December 24, 1973 (87 Stat. 813; D.C. Code §1-233(c)(1))]; and publication in the District of Columbia Register.